

Annotated Text of Adopted RAP Rule Revision for Subsurface Tile Drainage

Sec. 1. RAP Sections 2.34 through 2.42 shall be renumbered 2.35 through 2.43

Sec. 2. RAP Section 2.34 shall be added to read:

2.34 Subsurface Tile Drainage means a conduit installed in cropland beneath the ground surface to collect and/or convey water to an outlet.

Sec. 3. RAP Section 6.02(e)(4)(F) shall be added to read:

(F) 100 feet of subsurface tile drainage.

Sec. 4. RAP Section 6.02(f) shall be amended to read:

(f) The Secretary may authorize site-specific standards other than those listed in Section 6.02(e)(4)(A)-(EF) when the Secretary determines that a manure stacking or piling site, fertilizer storage, or other nutrient storage will not have an adverse impact on groundwater quality or surface water quality but in no case shall unimproved manure stacking sites be located less than 100 feet from a private water supply or the top of the bank of surface water.

Sec. 5. RAP Section 6.03(d) shall be struck, and 6.03(d)(1) and (2) added to read:

(d) Owners and operators of annual cropland, perennial grass land, or hay land who are required to implement a USDA 590 standard nutrient management plan and who have soil analyses demonstrating greater than 20 parts per million (ppm) phosphorous shall:

(1) implement appropriate provisions of an approved nutrient management plan that balances excessive soil phosphorus levels with management strategies to reduce those levels, including eliminating or reducing manure applications; and

(2) apply nutrients at less than UVM phosphorus crop nutrient removal rates on cropland fields with "pattern tile drainage", which for the purposes of this section is defined as subsurface tile drainage systematically installed in a repeating pattern.

Sec. 5. RAP Sections 12 and 13 shall be renumbered RAP Sections 13 and 14.

Sec. 6. RAP Section 12 shall be added to read:

12.1 Requirements for Subsurface Tile Drainage

For all farming operations subject to this rule, all cropland with any subsurface tile drainage must implement the following practices, unless other site-specific standards are approved by the Secretary:

(a) Concentrated feeding areas of unimproved barnyards and unimproved feedlots shall not be sited over subsurface tile drainage.

(b) New vegetative treatment areas for agricultural wastes shall not be installed within 200 feet upslope of a subsurface tile drain and new subsurface drainage shall not be installed within 200 feet downslope from the edge of an existing vegetative treatment area.

(c) Subsurface tile drainage installed or modified after January 1, 2019 shall have a rodent guard installed at the outlet of the subsurface tile drainage system.

12.2 Requirements for Surface Inlets

For all farming operations subject to this rule, no new installations of surface inlets shall be located within or adjacent to cropland. For the purposes of this section, surface inlets do not include drainage controls such as diversion structures or grade stabilization practices approved by the Secretary.

This document, developed pursuant to Act 64 (2015 session), is the ANNOTATED TEXT of the Required Agricultural Practices (RAPs) that was submitted to the Secretary of State's Office and the Legislative Committee on Administrative Rules (LCAR) on August 21, 2018. For more information, please visit <http://agriculture.vermont.gov/rap-tile-rule> or contact the Vermont Agency of Agriculture, Food and Markets at (802) 828-2431.

Sec. 7. RAP Section 14 shall be amended to read:

Section 14. Effective Dates

~~(a) Sections 1—6.04(c), 6.05(a), and 6.05(c)—13 of this regulation shall become effective on [date of adoption];~~

~~(b) and (b) Sections 6.04(d) and 6.05(b) of this regulation shall become effective on April 15, 2017.~~

This rule shall become effective on [date of adoption].